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Dated: December 22, 2004 Signature: 

Norman Green

Docket No.: 220002065100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eliezer MASLIAH et al.

Application No.: 09/933,640

Confirmation No.: 6686

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Filed: August 20, 2001

Art Unit: 1632

DEC 22 2004

For: DEVELOPMENT OF TRANSGENIC MODEL
FOR INTERVENTIONS IN
NEURODEGENERATIVE DISEASES

Examiner: A. Falk

**RENEWED PETITION UNDER 37 CFR § 1.78(a)(3) FOR
UNINTENTIONAL DELAY OF ADDITION OF PRIORITY CLAIM**

Attn: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the DECISION ON PETITION (the "DECISION", copy attached) dated November 10, 2004, from the OFFICE OF PETITIONS, dismissing Applicants' Petition submitted August 10, 2004, Petitioners hereby submit this Renewed Petition to the Commissioner to accept a claim to priority to the International Application No. PCT/US01/05569, filed February 20, 2001, designating The United States of America.

The DECISION indicates The Application Data Sheet previously submitted incorrectly lists the aforementioned PCT application data under foreign priority information. Submitted herewith is a Supplemental Application Data Sheet correctly identifying the PCT application as **Domestic Priority Information**.

sd-236497

Application No.: 09/933,640

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Docket No.: 220002065100

It is therefore respectfully requested that this Petition be granted and the case advanced to publication.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952, referencing docket no. 220002065100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 22, 2004

Respectfully submitted,

By 

Gregory P. Einhorn

Registration No.: 38,440

MORRISON & FOERSTER LLP

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(858) 720-5133

sd-236497



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DOCKETED: File PetitionREMINDER: 12-10-04

FINAL DUE DATE: _____

Paper No. 12

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SAN DIEGO CA 92130-2332

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OFFICE OF PETITIONS

In re Application of
Eliezer Masliah et al
Application No. 09/933,640
Filed: August 20, 2001
Attorney Docket No. 6627-PA1071

:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed August 13, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of the prior-filed PCT application set forth in the concurrently filed Application Data Sheet.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

COPY

Application No. 09/933,640

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The instant petition does not comply with item (1).

Petitioner claims benefit under 35 U.S.C. § 120 for the prior-filed PCT Application No. PCT/US01/05569, filed February 20, 2001. However the PCT application data is listed under foreign priority information on the application data sheet filed with the instant petition.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) and a substitute application data sheet or an amendment to correct the above matter is required.

Further correspondence with respect to this matter should be addressed as follows:

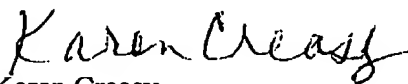
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Crystal Plaza Two Lobby
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Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.


Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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